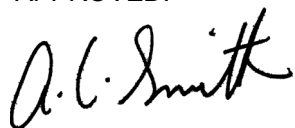




Department of
Rehabilitation & Correction

SUBJECT: APA Offender Transfers	PAGE <u> 1 </u> OF <u> 7 </u> .
	NUMBER: 100-APA-21
RULE/CODE REFERENCE: ORC 2929.15, 2967.28	SUPERSEDES: 100-APA-21 dated 06/03/19
RELATED ACA STANDARDS: 4-APPFS-1B-09	EFFECTIVE DATE: April 6, 2020
	APPROVED: 

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to set forth the conditions governing the transfer of offenders under the supervision of the Adult Parole Authority (APA) between officers, units, county departments, and/or geographical areas within the State of Ohio.

III. APPLICABILITY

This policy applies to all employees of the Division of Parole and Community Services (DPCS) and to all offenders under its jurisdiction.

IV. DEFINITIONS

Business Days - The days of the week, excluding Saturday, Sunday and any legal holiday.

Case Plan (Adult Parole Authority) - An individualized plan for offenders under the ODRC's custody/supervision designed to identify and target the offender's identified dynamic risk factors based upon the completion of the ORAS tools.

Community Based Correctional Facility (CBCF) - Secure residential programs that provide comprehensive programming for offenders on felony probation. CBCFs provide a wide range of programming addressing offender needs such as cognitive behavioral therapy, chemical dependency, education, employment, and family relationships. CBCFs are governed by a facility governing board and advised by a judicial advisory board.

Community Control - A sentence that consists of one (1) or more community control sanctions authorized pursuant to Ohio Revised Code (ORC) section 2929.16, 2929.17 or 2929.18 that may be imposed when the court is not required to impose a mandatory prison term, or a term of life imprisonment upon the offender. The maximum period of community control is five (5) years.

Community Corrections Information System (CCIS) - A computerized information system used to track the criminal history and progress of offenders under the supervision of the Adult Parole Authority. Access to CCIS is restricted to essential users only.

Community Residential Centers (ComRC) - A facility licensed by the Ohio Department of Rehabilitation and Correction (ODRC), pursuant to ORC section 2967.14, as a suitable facility for the housing of lower-risk, lower-need adult offenders under the supervision of the Adult Parole Authority.

Field Officer Tablet (FOT) - Computerized data maintained by the parole officer assigned to ~~the case~~ **supervise the offender** that contains the chronological details involving contact with the offender, social services agencies, law enforcement, etc. The tablets also contain all demographic information pertaining to the offender and documentation of staffing decisions.

Gateway Portal - A web-based portal that allows the ODRC to exchange and share offender information with its external partners and stakeholders.

Geographical Location - An area designated by the regional administrator for the purpose of assigning investigations and/or cases for supervision.

Halfway House - A facility licensed by the ODRC, pursuant to ORC section 2967.14, as a suitable facility for the care and treatment of adult offenders.

Interstate Compact - The agreement codified in ORC section 5149.21 governing the transfer and supervision of adult offenders under the administration of the National Interstate Commission for Adult Offender Supervision.

Inter-Unit Transfer - Transfers between APA staff in one unit to a different APA unit.

Intra-Unit Transfers - Transfer between APA staff in one unit to other APA staff within the same unit.

NOTEC - A section in the Community Corrections Information System (CCIS) to record information regarding offender's activity while under supervision.

Ohio Risk Assessment System (ORAS) - A collection of risk and needs assessment tools to accurately determine the risk of Ohio offenders.

Parole - The release from confinement in any state penal or reformatory institution by the APA's Parole Board under such terms and for such period of time prescribed by the Parole Board in its published rules and official minutes. A parolee so released shall be supervised by the APA. Legal custody of a parolee shall remain in the DRC until a final release is granted by the APA pursuant ORC section 2967.16. Parole applies to all persons who have committed felonies prior to July 1, 1996 and to those persons who commit felonies on or after that date who are subject to the parole board's discretionary release authority.

Parole Board - That section of the APA created in ORC sections 5149.02 and 5149.10 whose duties include, but are not limited to, reviewing and evaluating offenders for parole and clemency consideration and imposing post-release control.

Placement - The approved residence plan of an eligible offender in the community.

Post Release Control (PRC) - A period of supervision for an offender by the APA following release from imprisonment that includes one (1) or more PRC sanctions imposed by the Parole Board pursuant to ORC section 2967.28.

Probation - A period of supervision for a convicted offender (felony or misdemeanor) in lieu of prison/jail term for a specified length of time. The execution of the sentence of confinement is suspended and the defendant is placed under the supervision of the court. The period of supervision can be up to a period of five (5) years. Once placed on probation, the offender is expected to abide by the conditions the court imposed. Probation services may be administered by the county probation department, the APA field services, or a nonprofit, public or private agency, association, or organization with which the county decides to contract for services. The term probation was replaced with “community control” for offenses committed on or after July 1, 1996, and Community Control differs from probation in that the trial court no longer suspends execution of the prison term, but rather, the sentencing court orders the offender directly to submit to community-control sanctions. Upon a community control violation, the court imposes a sanction which could be a prison term within the range available for the original offense.

Reporting Instructions - The orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specific date and time in another state. Reporting instructions shall include person, place, date, and time that the offender is directed to report.

Sanction - Any penalty imposed upon an offender who is found guilty of an offense or violation of the conditions of supervision, including any sanction imposed pursuant to any provision of ORC sections 2929.14 to 2929.18.

Sex Offender - An offender shall be identified as a sex offender for supervision purposes if the offender is currently being supervised ~~is~~ **for** a sexually oriented offense pursuant to ORC section 2907 or if the journal entry identifies the offender as a sex offender.

Synchronization - The process of a parole officer connecting to the ODRC server via data line, wireless, or dial -up to ensure all offender information is exchanged and backed up to the ODRC information system.

V. **POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) that offenders under the supervision of the Adult Parole Authority (APA) may be transferred for supervision when it is determined that such transfer does not jeopardize public safety, is necessary to balance workloads, would be in the offender’s best interest, or the offender has an approved residence, employment or community program in the proposed area.

VI. PROCEDURES

The transfer process ensures the continuous supervision of offenders and monitoring of conditions and/or sanctions with minimal disruption. An offender's case shall not be transferred if compliance with court or parole board conditions and/or sanctions are impossible to complete in the new area. An offender's case shall not be transferred if it is determined that a member of the public would be placed at greater risk due to the transfer.

A. Intra/ Inter-Unit Transfers

1. Workload Equalization

- a. The unit supervisor shall determine when a transfer of offenders is necessary to maintain a workload balance. When such determination is made, the transferring officer shall:
 - i. Provide current field officer records, assessments, and all related documents to the receiving officer;
 - ii. Review the case with the receiving officer;
 - iii. Continue contact with offenders until the receiving officer makes contact.
- b. The receiving officer shall:
 - i. Ensure all appropriate case file materials have been received;
 - ii. Review the case for continuity of supervision;
 - iii. Conduct a face-to-face meeting with the offender, establish a reporting schedule, review the case plan and any imposed sanctions.

2. Geographic Transfers

- a. When the offender does not reside within the geographic area of the assigned officer, but has suitable residence, employment and/or community program in the new area, the transferring officer shall:
 - i. Document the new address and telephone number;
 - ii. Staff the case with the unit supervisor/designee prior to the transfer;
 - iii. Review and update the case plan prior to submitting a transfer investigation request.
 - iv. Post Release Control (PRC) offenders shall have available prison sanction time documented on the Transfer Investigation form (DRC3464)
 - v. When appropriate, issue a travel permit pursuant to ODRC Policy 100-APA-07, Offender Travel Permits, with reporting instructions to the offender.
 - vi. Submit a Transfer Investigation Request (DRC3464) within (10) ten business days with all appropriate case file materials to the receiving officer/unit
 - vii. Contact with the offender must continue until the receiving officer makes contact.

- b. The receiving officer shall:
 - i. Verify the offender's residence, employment and/or community program;
 - ii. Complete a transfer acceptance or rejection within fifteen (15) business days of assignment;
 - iii. When appropriate, review the case plan and any imposed sanctions;
 - iv. Staff rejections with the unit supervisor/designee;
 - v. Assume primary ownership of the case in ORAS.
 - c. The transferring officer shall:
 - i. Re-assume supervision of the case if rejected;
 - ii. Staff rejection with unit supervisor/designee.
3. Offenders shall remain in the originating jurisdiction until a transfer acceptance is received. If special circumstances exist and the offender must proceed prior to acceptance and the offender is a sex offender, a travel permit with reporting instructions shall be provided to the offender. Any approval to travel prior to receiving a transfer acceptance, must be approved by the unit supervisor/designee.
 4. Pending criminal charges shall not be the basis for rejecting a transfer of supervision. These cases shall be staffed with the unit supervisor/designee who shall determine which officer(s) shall be responsible for reports and follow-up on the criminal charges.
 5. The transferring officer shall maintain the case for statistical purposes until the receiving officer accepts the case.
 6. On probation/community control cases, the supervising unit shall be responsible for providing the originating unit with appropriate copies of case file material and assessment reports that cannot be accessed electronically.
 7. When an offender is serving a local sentence in a jail, Community Based Correctional Facility (CBCF), or a nursing home outside the area covered by their assigned officer, the case does not need to be transferred, except for very high parole offenders placed in a CBCF and sex offenders in a nursing home, group home, or similar facility.
 8. If a transfer investigation request is submitted on a sex offender, the sex offender specialist/designee from the sending region shall contact the sex offender specialist/designee in the receiving region and discuss the case.

B. Interstate Transfer of Cases

Refer to ODRC Policy 103-SPS-01, Interstate Compact for Probation and Parole.

C. Transfer to Residential Centers (HWH or CRC)/ Temporary Housing

When an offender is accepted into a residential center or temporary housing, the following shall occur:

1. The transfer investigation request (DRC3464) must be completed and included in the transfer packet. The transfer packet shall be provided to the residential center and receiving unit.
2. Any applicable unit sanctions or parole board ordered sanctions shall be included;
3. The sending unit shall inform the receiving unit about the offender's plans for arriving to the residential center or temporary housing;
4. Within five (5) business days of receipt of the case material, the receiving unit shall accept supervision of the case. The sending unit shall close interest in the case;
5. It is the sending unit's responsibility to provide any additional information at the request of the receiving unit.

D. Transfer from Residential Centers (HWH or CRC) / Temporary Housing

1. When an offender is terminated from the residential center or temporary housing and a prison sanction is imposed, the unit shall complete the Transfer Investigation Request (DRC3464) form. All appropriate file/placement material and a copy of the prison sanction order shall be sent to the receiving unit (previous unit that supervised the offender) or a unit from the county of residence for the current institution number, whichever is applicable within five (5) business days of the offender's arrival to the institution. The receiving unit shall accept the offender for supervision within five (5) business days of receiving the transfer request.
2. When an offender is terminated and no prison sanction is imposed, a transfer should not be pursued if it is beneficial for the offender to remain in the area. If the offender is transferred, the unit shall complete the Transfer Investigation Request (DRC3464) form within five (5) business days of the termination and the receiving unit shall accept the offender for supervision within five (5) business days of receiving the transfer request. If the offender is a direct placement from the institution, the county of residence shall be used as the receiving unit. If an offender absconds or is terminated within ten (10) business days of arrival, the transferring unit shall accept the case and complete all required paperwork. The residential center or temporary housing unit shall start the Whereabouts Unknown Violator at large (WUVL) process.
3. If an appropriate placement is in a jurisdiction other than the county of residence, the unit shall submit the Transfer Investigation Request (DRC3464) to the jurisdiction of the potential placement. If the offender is terminated from the residential center prior to transfer acceptance, the offender shall be transferred to the unit that previously supervised the offender.

E. Synchronization of Field Officer Tablet (FOT)

The following procedures must take place prior to a transfer and closing of a case:

1. Must complete a full synchronization (sync) prior to the case taken out of your name.
2. Receiving unit must perform a full sync to assure all notes are picked up on their new case.

Note this is a very important process and failure to follow this procedure could result in information loss.

Related Department Forms:

Transfer Investigation Request

DRC3464